

ing in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by D. F. De Bernardi & Co., from San Francisco, Calif., in part on or about March 15, 1927, and in part on or about March 29, 1927, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tins) "Laviola Brand Olive Oil D. F. Deb & Co., Net Contents 1 Gallon" (or "Net Contents $\frac{1}{2}$ Gallon").

Misbranding of the article was alleged in the libels for the reason that the statements, "Net Contents 1 Gallon," " $\frac{1}{2}$ Gallon," or "Net Contents $\frac{1}{2}$ Gallon," borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 14, 1928, D. F. De Bernardi & Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, conditioned in part that it should not be sold or otherwise disposed of until relabeled in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15761. Adulteration and misbranding of cocoa. U. S. v. 15 Barrels of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22498. I. S. No. 17478-x. S. No. 609.)

On February 29, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 barrels of cocoa, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pacific Cocoa Co., from Portland, Ore., February 11, 1928, and had been transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act.

The product was invoiced as "cocoa."

It was alleged in the libel that the article was adulterated in that cocoa shell had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 17, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15762. Adulteration of butter. U. S. v. 126 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22822. I. S. No. 25783-x. S. No. 848.)

On or about May 28, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 126 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Keosauqua Creamery Co., Keosauqua, Iowa, May 21, 1928, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that it contained less than 80 per cent of butterfat.

On or about June 12, 1928, Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon

payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed under the supervision of this department so that it should contain not less than 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15763. Misbranding of butter. U. S. v. 3 Boxes of Butter. Product released under bond to be reconditioned. (F. & D. No. 21995. I. S. No. 17283-x. S. No. 16.)

On July 11, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 boxes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been prepared for shipment in interstate commerce from Seattle, Wash., into the Territory of Alaska, on July 8, 1927, by J. H. Pocock, Seattle, Wash., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pounds Net Weight."

It was alleged in the libel that the article was misbranded under section 8 of the act, paragraphs 2 and 3, under "food," in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and that the product was short weight.

On November 5, 1927, a default judgment of condemnation, forfeiture, and destruction was entered. On November 14, 1927, J. H. Pocock, Seattle, Wash., having appeared as claimant for the property, by stipulation with the Government the order of destruction was vacated and the claimant permitted to take the product down under bond for reconditioning, and on January 17, 1928, the terms of the said bond having been complied with, the said bond was exonerated.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15764. Adulteration of walnuts. U. S. v. 5 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22725. I. S. No. 18060-x. S. No. 765.)

On April 19, 1928, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 bags of walnuts, remaining in the original unbroken packages at Greenville, Ohio, alleging that the article had been shipped by the Service Brokerage Co., from New York, N. Y., December 2, 1927, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 25, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15765. Adulteration and misbranding of olive oil. U. S. v. 30 Quart Cans of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 22700. I. S. No. 17434-x. S. No. 743.)

On April 12, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 quart cans of olive oil, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by A. Giurlani & Bros., from San Francisco, Calif., on or about August 20, 1927, and had been transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Net Contents One Quart. Guaranteed Imported Pure Virgin Olive Oil. A pure Medicinal A wholesome food. R. C. Brand."

It was alleged in the libel that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed therewith, and substituted wholly or in part for normal olive oil of good commercial quality.

Misbranding was alleged for the reason that the statements, "Contents One Quart" and "Pure Virgin Olive Oil," borne on the label, were false and mis-